



Seater

Attorney Docket Q61608
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tsutomu MASUKO, et al.

Appln. No.: 09/867,596 —

Confirmation No.: 7102

Group Art Unit: Not yet Assigned

Filed: May 31, 2001

Examiner: Not yet Assigned

For: ELECTRICALLY CONDUCTING FINE CARBON COMPOSITE POWDER,
CATALYST FOR POLYMER ELECTROLYTE FUEL BATTERY AND FUEL
BATTERY

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

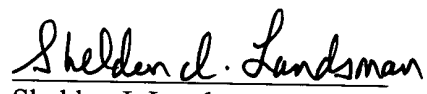
In response to the Notice of Incomplete Reply (Nonprovisional), mailed November 6, 2001 (a copy of which is attached hereto), which states that the reply submitted on September 25, 2001 to the Notice to File Missing Parts (Notice) mailed August 6, 2001, does not include the "Claims commencing on a separate sheet (37 C.F.R. 1.75(h))", applicants request that the Notice of Incomplete Reply (Nonprovisional) be rescinded because the reply submitted on September 25, 2001 did, in fact, include the claims commencing on a separate sheet. Applicants enclose herewith (1) a copy of a stamped filing receipt showing that a translated application containing 44 pages of specification was submitted on September 25, 2001 and (2) a copy of pages 39 to 44 of the specification that was submitted on September 25, 2001.

As can be seen from the attached copies, page 39 is the last page of the detailed description and does not contain any claims, page 40 is a separate sheet that contains only claims, beginning with claim 1 under the heading "What is claimed is:", pages 41, 42 and 43 are sheets that contain only claims, and page 44 is a sheet that contains only the Abstract of the Disclosure.

In view of the above, applicants submit that the reply filed on September 25, 2001 was complete, and request that the Notice of Incomplete Reply be rescinded.

Applicants believe that no petition for extension of time or fee or any other petition are necessary in view of the error on the part of the U.S. Patent and Trademark Office in issuing the Notice of Incomplete Reply, but if any such petition or fee is needed, applicants request that the present Response be treated as such a petition, and that any fee for such petition be charge to Deposit Account No. 19-4880.

Respectfully submitted,


Sheldon I. Landsman
Registration No. 25,430

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
Date: November 26, 2001